

CENTRAL BEDFORDSHIRE COUNCIL

Record of a **LICENSING SUB-COMMITTEE** hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 and held at the Council Chamber, Priory House, Chicksands, Shefford on Friday, 5 April 2019

Those in attendance:

Licensing Sub-Committee:

Cllr D Bowater

Cllr K Collins

Cllr T Nicols

Officers:

Mrs C Jagusz Committee Services Officer, CBC

Ms R White, Legal Advisor, LGSS

Mr J Patel, LGSS (observing)

Ms N O'Donnell, Licensing Compliance Officer, CBC

Ms A Mughal, Licensing Officer (observing)

Ms U Alam, Licensing Officer (observing)

For the Applicant:

Mr R Botkai – Applicant's Legal Representative

Mr K Crudington – Area Manager

Interested Parties:

Mrs Holmes

Mr Phillipson

In attendance:

Cllr B Saunders

LS/18/1. **Election of Chairman**

Cllr T Nicols was elected Chairman for this Licensing Sub-Committee.

LS/18/2. **Members' Interests**

There were no declarations of interest.

LS/18/3. **Procedure for the Hearing of Applications under The Licensing Act 2003**

The procedure for the hearing of applications under the Licensing Act 2003 was introduced by the Chairman and noted.

LS/18/4. **The Four Licensing Objectives**

The following four licensing objectives were noted:

- Prevention of crime and disorder.
- Public safety.

- Prevention of public nuisance.
- Protection of children from harm.

LS/18/5. **Variation to a premises licence MRH Stotfold Service Station, 67 Arlesey Road, Stotfold, Hitchin SG5 4HB**

The Sub-Committee considered the report of the Head of Public Protection which set out the variation to the premises licence for MRH Stotfold Service Station at 67 Arlesey Road, Stotfold SG5 4HB to extend the times for sale of alcohol times and late night refreshments.

In response to questions from the Sub-Committee, the Licensing Compliance Officer responded:

- that there had been 19 objections to this application from interested parties but that there had been no representations from the Police, Child Protection Services or Environmental Health.
- that there had been a late request from the Applicant's representative to amend the conditions further by changing the hours for sale of alcohol from 24 hours to 0600 to 2300 and withdrawing the condition that referred to late night refreshment.

The Applicant's legal representative noted that the application had been modified significantly and apologised to the residents for this late change.

The interested parties were asked if they would like to adjourn to consider these amendments and the meeting was adjourned at 10.15am.

The meeting reconvened at 10.20am.

The Chairman explained that the policy allowed a clear opportunity for modifications and asked both sides if they would like to withdraw their representations.

The interested parties sought further clarification on the following:

- confirmation was given that the opening hours would not impact on the sale of alcohol hours and that these hours are being brought in line due to a recent change in management.
- that the revised sale of alcohol condition was for 0600 to 2300hrs, 365 days per year.

The Chairman asked the interested parties if they would like a further adjournment to further consider these changes and the meeting adjourned at 10.30am.

The meeting reconvened at 10.40am.

The Chairman invited the interested parties to consider if they wished to continue with their representations or, in light of the amendments to the application, withdraw their objections.

All agreed to withdraw their objections further to clarification on the following:-

- it was confirmed that there are no embedded restrictions within this application as the hours were 'grand-fathered' over from the previous licence in 2005.
- it was noted that by removing the 24hr sale of alcohol condition there is no longer a need for all alcohol to be kept behind shutters as the shop will be closed and fully secure.

There were no further comments or clarifications sought and the Sub-Committee and the Legal Advisor (LGSS) adjourned from 10.50am to 11.14am to make their decision.

Decision

Following consideration of the information before it, the Sub-Committee decided that the application should be **GRANTED**.

In coming to its decision, the Sub-Committee had taken into account:

- The Licensing Act;
- The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003;
- Central Bedfordshire Council's Licensing Policy; and
- The merits of the application and the representations (including supporting information) presented by all parties.

The Sub-Committee also took into consideration that there was no evidence before it that any of the licensing objectives would be undermined if the application was granted.

The Legal representative informed the Sub-Committee that the Decision Notice would be issued within 5 working days.

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.16 a.m.)